

SPEARS & IMES LLP

51 Madison Avenue
New York, NY 10010
tel 212 213-6996
fax 212 213-0849

The Court will commence jury selection on July 13, 2022 at 10 am in Courtroom 11D. Depending upon the time of completion of the trial of Mr. Allard in 20 cr 163, the Court reserves the right to

May 24, 2022

make a modest adjustment in the commencement of openings and testimony and may make such other adjustments as the interests of justice requires. Application otherwise DENIED. SO ORDERED.

BY ECF

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Kenneth Wynder and Andrew Brown, 20 Cr. 470 (PKC)

USDJ
5-24-22

Dear Judge Castel:

I represent defendant Andrew Brown in the above-captioned case. I respectfully write in connection with the scheduling of trial. While no trial date has been finalized yet, the Court has asked the parties to hold open the period of July 11-August 5, 2022, and has indicated that it plans to request a trial date of July 11. However, the Court has also confirmed the parties' availability for trial in September 2022.

I also represent defendant Rene Allard in *United States v. Grasso et al.*, 20 Cr. 163 (PKC), which is also pending before this Court. On March 3, 2022, the Court set a trial date of June 27, 2022 in the *Allard* case. On March 15, 2022, I submitted a letter to the Court in the *Allard* case noting that I am counsel on both cases before the Court (the *Brown* case and the *Allard* case) and that trial in the *Allard* case may last until July 11, which would compromise my ability to prepare for trial in the *Brown* case beginning on or immediately after that same date. At a March 23, 2022 conference in the *Allard* case, the Court addressed this concern and noted that there was not certainty over what would happen with the trial date in the *Brown* case. My understanding is that by contrast, the June 27 date for the *Allard* case is firmly scheduled.

At this point, it appears that both the *Allard* case and the *Brown* case will proceed to trial. Therefore, I respectfully request that the *Brown* case be scheduled for September 2022 (or, if more appropriate, that a September 2022 date be requested, if the mechanism for scheduling trials during the COVID-19 pandemic is still in place). Counsel for Mr. Wynder consents to this request. Government counsel opposes the request and asked me to relay that it will provide the Court with the reasons for its opposition by separate letter.

For the avoidance of doubt, I am not requesting the adjournment of any of the deadlines in the *Brown* case, including the deadlines for motions *in limine*, opposing the Government's motions *in limine*, requests to charge, and *voir dire*. I have also held open the July 11 to August 5 period. However, if both the June 27 and July 11 trial dates before this Court hold, I will not be able to spend the weeks immediately preceding the *Brown* case working on tasks essential to trial preparation, including reviewing the Government's Section 3500 material, which is only being produced approximately 10 days before the *Brown* trial – at which time I will be on trial in the *Allard* case.

In the event that the Court determines that the *Brown* trial should begin within the July 11 to August 5 time period, I respectfully request that it start at the beginning of August, so that I will have at least two weeks to prepare for it immediately preceding the start date.

Thank you for your consideration of this request.

Respectfully submitted,

_____/s/_____
Max Nicholas
Attorney for Andrew Brown
212-213-1715
mnicholas@spearsimes.com